

final general management plan
development concept plan

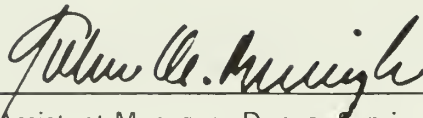
november 1981

RIO GRANDE




WILD AND SCENIC RIVER/TEXAS

RECOMMENDED:


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11.17.81


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Final General Management Plan/Development Concept Plan

Rio Grande Wild and Scenic River

Texas

November 1981



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I. Plan Summary

The boundary of the Rio Grande Wild and Scenic River will be established to include only the river area from the United States/Mexico international boundary in the center of the river to the gradient boundary at the edge of the river on the United States side. The length of the Wild and Scenic River will extend from the Chihuahua/Coahuila state line to the Terrell/Val Verde county line. The segments from Talley to Solis, from the entrance to Boquillas Canyon to the exit from Boquillas Canyon, and from Reagan Canyon to San Francisco Canyon shall be designated as WILD. The remaining sections shall be designated as SCENIC. The Wild and Scenic River will be under the administration of Big Bend National Park. Management and maintenance facilities will be located in the National Park.

The National Park Service will seek to provide for public access to and use of the river through agreements with landowners which will protect their private property rights, and will recognize the need both to continue historical usage and to preserve the existing wilderness experience and the natural and cultural values that caused the river to be included in the National Wild and Scenic Rivers System. The Park Service will operate periodic patrols for purposes of visitor health and safety and resource management.

Specific public access points and rights-of-way will be subject to negotiation and agreements with landowners. There are two preferred sites, both of which are in current use. One site is on the Mexican side of the river just upstream from the bridge at La Linda. Development will include grading the access road and constructing a turnaround, and providing toilet facilities, trash receptacles, and informational signing. The second site is at Dryden Crossing, south of Dryden. Development here will be similar to that at La Linda.

The primary visitor contact point will use existing facilities at Persimmon Gap in Big Bend National Park. New employee residences will be constructed, and an existing building will be refurnished to house a ranger office, visitor contact station and storage space. Permits, required for overnight river floating, may be obtained here at no charge. River information can also be obtained at a visitor contact station at Rio Grande Village and at the Panther Junction Visitor Center.

II. Introduction

A. River Location

The Rio Grande Wild and Scenic River is located in the Chihuahuan Desert on the United States side of the Rio Grande in Brewster and Terrell Counties in the state of Texas.

Access to this area is limited. The only major eastwest highway is U.S. Highway 90. Major north-south routes include U.S. Highway 385, U.S. Highway 285, and Texas Route 118. There are no paved roads on the Mexican side of the river at the present time.

B. Purpose of the River

The Wild and Scenic Rivers Act (Public Law 90-542, October 2, 1968) states that:

"It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations."

The National Parks and Recreation Act (Public Law 95-625, November 10, 1978), Provides for the addition of the Rio Grande segment and amends Section 702, Section 3(a) of the Wild and Scenic Rivers Act to add the following:

"The segment on the United States side of the river from river mile 842.3 above Mariscal Canyon downstream to river mile 641.1 at the Terrell-Val Verde County line: to be administered by the Secretary of the Interior..."

The U.S. Boundary Water Commission has officially revised the mileages representing the above points to 853.22 and 657.52, respectively. These new mileages will be used in this report.

C. Management Objectives

Resources Management

To manage the river resource in order to maintain and perpetuate its integrity through Memorandums of Agreement, Memorandums of Understanding and Cooperative Agreements.

- To preserve the river in the natural, free-flowing character and purpose for which the area was established, and permit historical uses.



REGION

RIO GRANDE WILD & SCENIC RIVER, TEXAS
UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE

- To encourage a continuous research program that emphasizes non-destructive research methods, and is directed toward improved resource knowledge, understanding, appreciation, preservation, and protection.
- To assist the landowners and state agencies in identifying and protecting the cultural resources of the area.
- To protect the river resource from overuse, vandalism, and inappropriate use.

Visitor Use

- To provide for the enjoyment, appreciation, and understanding of the Wild and Scenic River by the public.
- To provide each visitor with the opportunity for a safe and enjoyable visit by increasing visitor awareness of the hazards associated with the river.
- To encourage visitor respect for private lands adjacent to the river.
- To monitor visitor effects on the resource and implement such visitor use control as proves necessary.
- To emphasize the international boundary status of the river and its implications for visitor use.

Facilities

- To provide minimum facilities necessary for the proper enjoyment, resource protection, and safe and efficient management of the river.
- To assure public access to the river.
- To assure minimal recreational and administrative support facilities.
- To encourage appropriate visitor services by private enterprise.

Cooperation

- To manage the river as a cooperative venture with landowners and governmental agencies.
- To foster close liaison and cooperation with the Government of Mexico.
- To work with adjacent landowners in areas of individual or group concern.

- To cooperate with other Federal agencies, state of Texas, local governments and concerned citizens in the management of the area.
- To maintain active involvement in efforts to conserve natural and cultural resources throughout the region.

D. Purpose of Plan

The purpose of the plan is to provide a management system which will preserve the values of the Rio Grande Wild and Scenic River, and secondarily to provide for public use compatible with these values.

The guidelines contained in this plan for resource protection, visitor use and maintenance require minimal facility development and will lay the foundation for the preparation of other management documents and action plans. The plan will be responsive to changing human needs and views of resource management and protection and therefore will undergo periodic review and revision as required. The upstream portion (68.6 miles) of the Wild and Scenic River is located within Big Bend National Park and will be managed according to the Big Bend General Management Plan. Therefore, this document will deal primarily with the 127.1 miles of Wild and Scenic River which is downstream from Big Bend National Park.

III. The Environment

A. Existing Development

Public river oriented recreational facilities in the area are modest. Black Gap Wildlife Management Area managed by the state of Texas, which borders the central part of the Rio Grande, provides approximately 25 small fishing/picnicking shelters along the river. Toward the eastern end of the river some landowners have provided such facilities as primitive campsites, a shelter, and toilet facilities. A user fee is usually requested for access to the river and use of the facilities. Upon request, a shuttle service to and from the river is provided for a fee by local residents.

1. Land Use Ownership

Land ownership of riverfront property along the 195.7-mile Wild and Scenic River is described as follows:

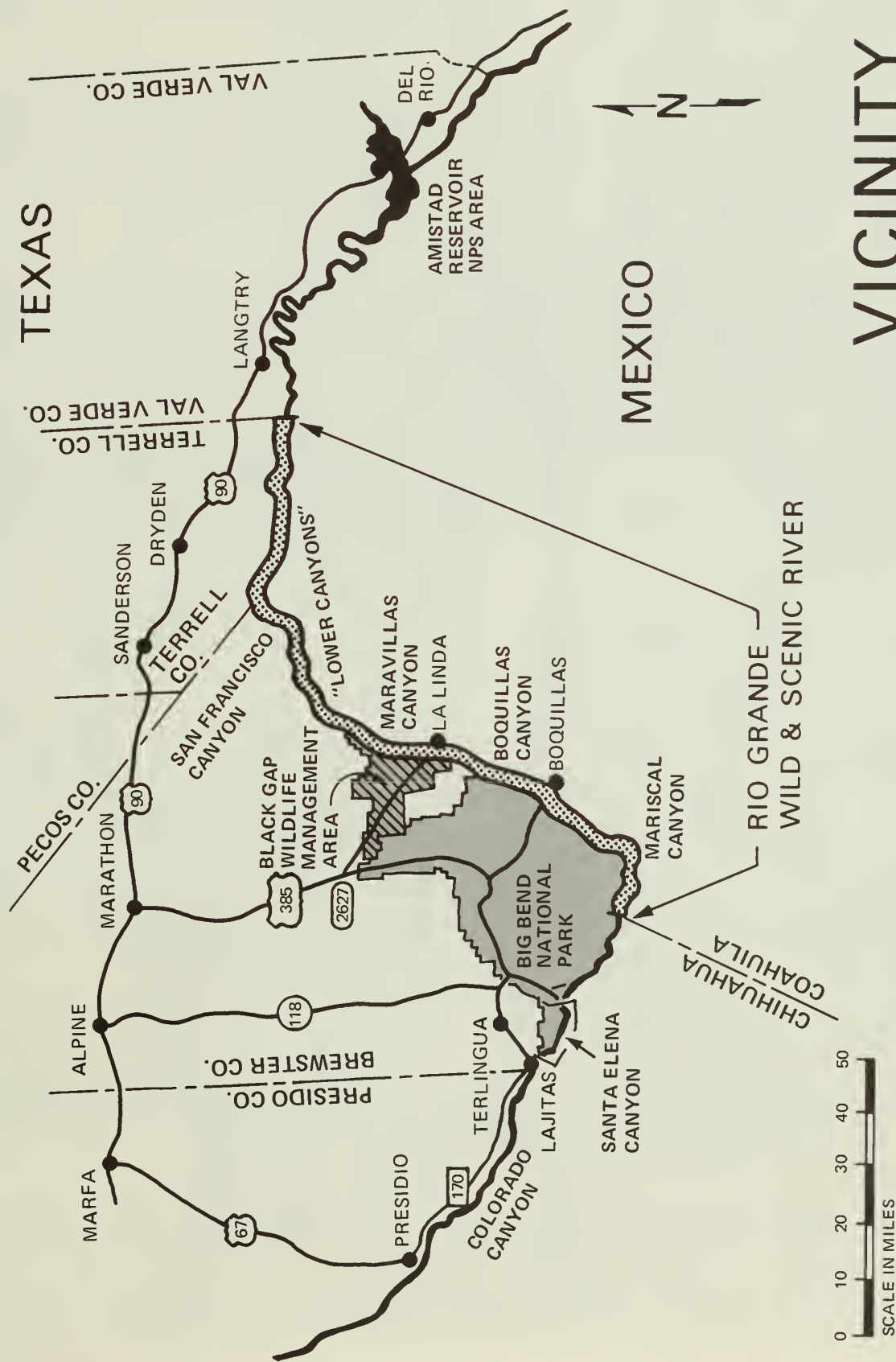
<u>Ownership (1980)</u>	<u>Miles</u>	<u>Percent</u>
State of Texas	41.6	21.3
Private	84.7	43.3
Unknown	.8	.4
Big Bend N.P.	<u>68.6</u>	<u>35.0</u>
Total	195.7	100.0

(Source: Preliminary ownership maps provided by the National Park Service, Division of Land Acquisition.)

The southern half of the Rio Grande and all adjacent land belong to Mexico. Other than the DuPont facility at La Linda, there is no significant development downstream from Big Bend National Park. The Park Service will continue to keep lines of communication with Mexico open, in hopes that Mexico will continue to protect the values for which the Rio Grande was designated a Wild and Scenic River.

2. Visitor Use

Until recently, river recreation outside Big Bend National Park was minimal; few people--mostly fishermen--were aware of the recreation potential of the Rio Grande downstream from the park. There is little reliable information concerning recreational use of the Rio Grande below Big Bend National Park, but information for the river, both within and outside the park, indicates that most users come from Texas. Peak river use occurs during spring and summer months, but some recreational use occurs throughout the year (Big Bend National Park, unpublished data). Over all, river use is expected to increase.



The Black Gap Wildlife Management Area, contains 100,979 acres, of which 77,805 acres are owned by Texas Parks and Wildlife, and 23,173 acres are leased from the Texas General Land Office. The area, when open, is used by fishermen, campers, and hunters.

Recreational activities along the river include floating (a few hours to a few weeks in length), motor boating, camping, fishing, hunting, photography, and relaxing. The river environment and user satisfaction will be monitored to ensure a quality recreational experience and resource protection. Additional visitor services may be provided on the river through concessions or through encouragement of outside private development.

Access to the river is provided at various locations within and outside Big Bend National Park; however, river users will need to obtain permission from landowners to cross private land to gain access to the river. Some of the access points are steep-banked and pose potential safety hazards to users.

Visitor use problems on private land in the area of the Rio Grande are trespassing and vandalism. Since the federal government will not own land adjacent to the designated Rio Grande Wild and Scenic River outside Big Bend National Park, river users will have to camp on private property along the river.

B. Natural Resources

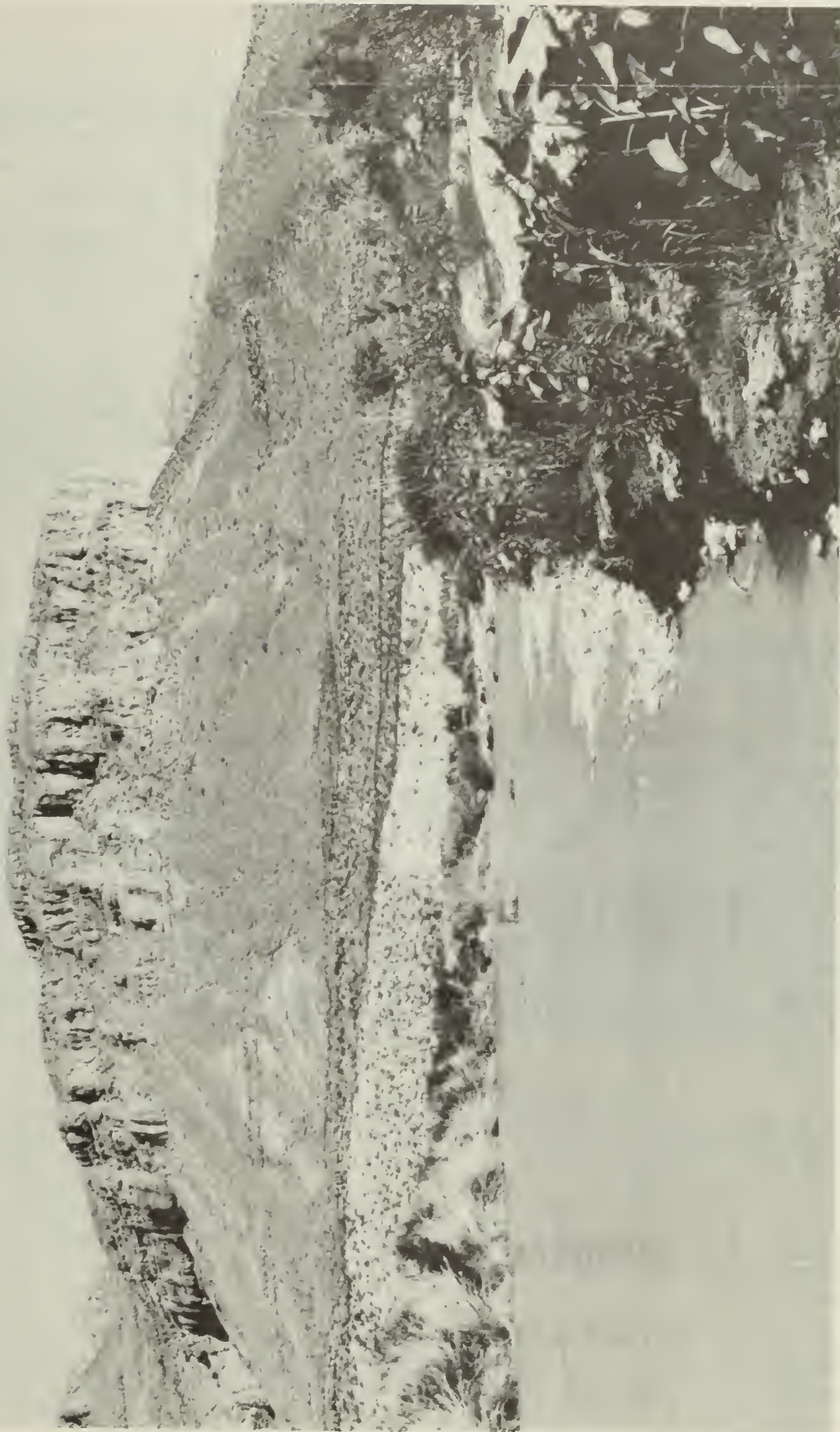
1. Climate

In the vicinity of Rio Grande, summers are generally hot (June, July, and August daytime temperatures average above 100 degrees Fahrenheit); winters are mild, with average low temperatures near 40°F. on the river. Spring and fall temperatures are moderate and suitable for most outdoor recreational activities. Annual precipitation ranges from 6 to 12 inches, with over 50 percent of the rainfall occurring during summer. Snow and sleet sometimes occur during the colder portions of the year. Prevailing winds are out of the southeast during the summer; winter winds come from the west northwest. Winds are usually light (below 20 miles per hour), but gusts up to 60 to 70 miles per hour do occur. Approximately 78 percent of the days are sunny.

2. Geology/Topography

The rocks, exposed by cutting of the Rio Grande and its tributaries are sedimentary in origin. These rocks were deposited about 100 million years ago, and subsequent uplifting, folding, faulting, and erosion have produced the present-day topography.

Near its upstream end, the Rio Grande has cut the surrounding rocks to form steep-walled and sometimes narrow canyons.



View of the Rio Grande

Downstream from Boquillas Canyon, the river flows across a relatively broad and open floodplain or vega. Near Reagan Canyon, the floodplain narrows abruptly, and the river flows in a continuous deeply-cut canyon for almost 40 miles. In the lower canyons of this segment, the river and its tributaries lie 500 to 1,500 feet below the surrounding plateaus.

Further downstream, the river has much lower confining canyon walls; the cliffs of these canyons are approximately 50 feet high.

3. Mining and Minerals

A fluorite processing facility and mill at La Linda is located on the Mexican side of the river. Fluorite is mined about 40 km to the east in Mexico and trucked to the facility where it is stockpiled. The mill crushes and concentrates the ore, using water in the process (see Section III.B.5 on Water Resources).

4. Vegetation

The Rio Grande lies in the Chihuahuan Desert region, which exhibits a great diversity of vegetation types. Within the Wild and Scenic River, vegetation types can be categorized according to topographic location.

Immediately adjacent to the river is a vegetation association adapted to flooding and wet soils. Willows, reeds, river cane, tamarisks, seepwillows, acacias, and mesquites are the major components of this association. Thick mats of Bermuda grass occur intermittently along the riverway and also upland from the willow-reed-tamarisk association. Upslope, the vegetation becomes more desert-like--lechuguilla, blackbrush, catclaw acacia, candelilla, creosote-bush, chino grama and a variety of cacti predominate. Cracks on the cliff walls harbor a distinctive plant community of candelilla, rock nettle, poison ivy, cliff thistle, and cliff bedstraw. The latter two species are endemic to limestone cliffs of the region. On the mesa tops, the plant community consists of chino grama, side-oats grama, ocotillo, yucca, lechuguilla, and a variety of cacti.

The bunched cory cactus is on the federal list of threatened species and is known to occur on some of the land adjacent to the Wild and Scenic River.

5. Water Resources

Water Quantity. The average annual streamflow in the upper reaches of the Rio Grande Wild and Scenic River is 925 cubic feet per second. Approximately three-fourths of this streamflow is provided by the Rio Conchos, which drains out of Mexico and joins the Rio Grande at Presidio, Texas. Due to spring inflows and unregulated tributaries in the lower reaches of the Wild and Scenic River, the average annual streamflow increases to 1,400 cubic feet per second. Thus, in the lower reaches, about half of the streamflow is provided by the Rio Conchos. In

the upper reaches of the river, streamflows are high enough (300 cubic feet per second) to allow floating approximately 76 percent of the time; in the lower portions floating occurs approximately 85 percent of the time.

Peak streamflows (flooding) in the Rio Grande most often occur between early May and late October and are generally the result of intense rainstorms in the drainage basin. At Johnson Ranch gaging station, which is upstream from the extreme upper reach of the Rio Grande Wild and Scenic River, the 100-year flood raises the river approximately 30 feet above the bottom of the gage. At Foster Ranch gaging station, which is located at the lower end of the Rio Grande Wild and Scenic River, the 100-year flood raises the river approximately 45 feet above the bottom of the gage (International Boundary and Water Commission, unpublished data, December 1979). Between these two points on the river, flood heights vary--flood levels will be higher in narrow canyons than in broad valleys. Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Wetland Protection) and their implementing guidelines stipulate that, where there is a practicable alternative, developments that impede flood flows, jeopardize life and property, and destroy wetland ecosystems, etc., will not be located in areas inundated by 100-year floods.

High streamflows can be hazardous to life and property when floating on the river or camping. Flash flooding inside arroyos can be especially dangerous.

Water Quality. The reach of the Rio Grande designated as "wild and scenic" is classified as suitable for contact recreation, for propagation of fish and wildlife, and for domestic raw water supply. Water quality standards for this classification are based on concentrations during low flow periods, and available water quality data indicate that these standards are being met. However, during storm-related streamflow rises, high concentrations of fecal coliform bacteria can occur as the adjacent land surface is washed by rainfall runoff. These high bacterial concentrations could pose a health hazard to recreationists. The National Park Service will cooperate with appropriate agencies (International Boundary and Water Commission, Environmental Protection Agency, Texas Department of Water Resources) to identify water quality problems and preserve or enhance water quality levels in the Rio Grande and its tributaries.

There has been some concern about water quality degradation related to the fluorspar processing plant at La Linda, Mexico, but existing information indicates that there is no discharge from the processing plant into the Rio Grande. There is a possibility that runoff washes residue from the area of the processing plant into the river, but potential pollutants such as fluorides have not been detected here in the past (Texas Department of Water Resources, personal communication, 1979).

Mercury pollution emanating from an area of abandoned mercury mines in the Terlingua Creek drainage on the west side of Big Bend National Park is also a potential water quality problem. Information available from the Texas Department of Water Resources indicates that

mercury concentrations in the water are well below public health guidelines recommended by the Environmental Protection Agency (1976). The levels in water and other components of the environment do not appear to be a significant problem, but if mercury mining again becomes prevelant, the environment should be monitored to identify any changes in mercury concentrations.

The most significant water quality problem in the area of the Rio Grande is the presence of DDT and its metabolites. Concentrations of these compounds in excess of the levels recommended by the Food and Drug Administration have been found in Rio Grande fish near Presidio, Texas. The source of DDT residues is believed to be Mexican irrigation return flows to the Rio Conchos, and high levels of DDT residues seem to be concentrated in the area where the Rio Conchos joins the Rio Grande. Downstream, DDT residue levels are not appreciable, but there should be continued monitoring to evaluate the problem.

Springs. Springs along the river are probably contaminated and should not to be used by river recreationists for drinking water unless treated.

Legal Aspects of the River. The 1848 Treaty of Guadalupe Hidalgo designated the Rio Grande from the southern boundary of New Mexico to the Gulf of Mexico as the international demarcation between Mexico and the United States. A 1944 Water Treaty allotted to the United States all water entering the Rio Grande from major tributaries on the U.S. side, and the U.S. was also allocated a third of the total water flowing into the Rio Grande from six major tributaries on the Mexican side. The U.S. allotment from the Mexican tributaries is not to be less than 350,000 acre-feet annually, based on a five-year average. The Rio Conchos is one of the major Mexican tributaries named in the 1944 treaty. Since the Rio Conchos contributes a majority of the streamflow in Rio Grande, and since Mexico is free to determine which major tributaries will be used to meet the U.S. allotment, it is possible that the Rio Grande could periodically dry up under certain circumstances. Even though this situation has not occurred and probably will not, the possiblity exists. The 1944 Water Treaty also allows flood protection/control developments on the river below Fort Quitman if the proposals are approved by the Mexican and U.S. governments, and allows either government to construct water diversion works in the reach of the river below Fort Quitman. Within the Rio Grande, neither flood protection/control projects nor major water diversion works are currently planned, but the possibility exists. A 1970 treaty between Mexico and the U.S., regarding maintenance of the Rio Grande, allows either government to protect the banks of the river against erosion and to construct works on the bank to preserve the character of the international boundary.

The Texas Water Commission of the Texas Department of Water Resources is responsible for the Rio Grande's U.S. allotment, and public and private entities are allowed to divert and use the Rio Grande's U.S. water allotment on a priority basis (under Texas Water Development

Board Rules 156.30, 156.31, and 156.32, chapters 30, 31, and 32 of the Texas Water Code).

6. Fish and Wildlife

Shiners and daces are the most abundant fish in Rio Grande. Larger fish include longnose gar, channel catfish, blue catfish, and European carp.

A number of wildlife species (especially birds) use the Rio Grande as a travel corridor. Wildlife of the Rio Grande include mammals (skunks, mice, squirrels, rabbits, raccoons, coyotes), birds (mourning doves, white-winged doves, cliff swallows, quail, orioles, and flycatchers), and reptiles (turtles, lizards, and snakes). Mountain lions occur in the area. Birds are the most frequently seen species in the Rio Grande. Monitoring visitor impacts on wildlife should be a part of the resources management of the Rio Grande Wild and Scenic River.

The American peregrine falcon, which appears on the federal list of endangered species, is known to nest along the Rio Grande.

7. Aesthetic Quality

The Rio Grande flows through canyons that cut into a face of the Chihuahuan Desert. Major canyons found within the river segment are Mariscal, Boquillas, and the lower canyons area. The river contains canyons and vistas with outstanding visual quality. These scenic attributes are due to the primitive and pristine nature of the river and its surroundings.

8. Air Quality

The National Park Service has recently begun monitoring airborne particulates and visibility at Big Bend National Park. Acid precipitation is also monitored at Big Bend through the National Atmospheric Deposition Program (NADP). Data from these stations will be directly applicable to Rio Grande Wild and Scenic River once they become available.

Preliminary information from Big Bend indicates that the area experiences decreased visibility in some directions, probably as a result of high altitude particulates originating from industrial facilities in El Paso, Texas; Carlsbad, New Mexico; and perhaps from northern Mexico. Early data from the NADP station at Big Bend show an occasional episode of acidic rainfall, with pH in the 4.3 to 4.8 range.

There are few local sources of air pollutants along the Rio Grande Wild and Scenic River corridor. The flourspar mill at La Linda emits small amounts of mineral particulates to the atmosphere along with

steam, resulting in minor dust plumes from loading and handling of the ore. The driers at the mill emit carbon monoxide in unknown quantities.

The Rio Grande Wild and Scenic River is a class II area under the provisions of the Clean Air Act, as amended in 1977. Air quality of the river corridor is currently very good. There are no significant sources of toxic gases in the region, and particulate levels appear to be well within the national standards. Impaired visibility and acid precipitation are potential air quality problems for the future, although both problems would result from activities distant from the Rio Grande Wild and Scenic River.

C. Cultural Resources

The Rio Grande is known to contain a rich and varied amount of cultural resources. These resources are tangible reminders of man's occupation of this rugged and inhospitable area over the past 12,000 years.

1. Prehistory

Aside from recent reconnaissance surveys of the canyon areas of the Rio Grande Wild and Scenic River by the Texas State Archeologist Office, practically no professional archeological investigations have been carried out in the Rio Grande Wild and Scenic River area. These surveys have located a significant number of prehistoric sites on both sides of the river. These sites, which represent occupation and exploration activities by the prehistoric inhabitants, have been located in caves and rock shelters, terraces, talus slopes and canyon rims. It was beyond the scope of the Texas State Archeologist Office to evaluate these sites or place them in a chronological sequence. From other archeological studies in the Trans-Pecos region, however, it is known that prehistoric Indians were present from the Paleo-Indian stage (ca. 10,000-6,000 B.C.), through the Archaic (7,000-6,000 B.C. - A.D. 900-1,000) and Neo-American (A.D. 900-1,000 - 1400-1600) stages.

2. History

The historic period of the Rio Grande area began with the Spanish explorer Alvar Nunez Cabeza de Vaca's wanderings in the Texas Trans-Pecos region in 1535. Between that date and now, control of the area passed from Spain to Mexico to the United States. During the Spanish colonial period (1535-1821), the Rio Grande canyons area was viewed as a natural defensive barrier between Spanish settlements south of the river and hostile Apache and Commanche raiders to the north. Spanish activity was limited to infrequent explorations of portions of the area, military expeditions, or entradas aimed at subduing hostile Indian groups, and the establishment of the presidio at San Vicente, across the river from Big Bend National Park.

Spanish attempts to curb Indian raids from north of the Rio Grande were largely ineffective, and this remained the case after Mexico attained its independence from Spain in 1821. The main Indian

raiding trails passed through or near the Rio Grande canyons area. One branch of the Commanche War Trail crossed the river near present-day Lajitas, while the main branch split into two forks, one crossing between Santa Elena and Mariscal canyons and the other near the present-day Dryden Cable Crossing.

When control of the area passed to the United States after the Mexican-American War (1846-1848), the United States Army began attempts to stop the Commanche and Apache raids. A series of posts was established along the Rio Grande. Military activity against hostile Indian groups was generally suspended during the Civil War but resumed later and continued until the 1880s when Army control over the Indians was attained.

During the early 1850s, the Army Topographic Engineers and the United States Mexico Boundary Commission carried out a series of surveys of the Rio Grande and Trans-Pecos region. These surveys resulted in the first accurate maps of the Rio Grande canyons area. In addition, a wagon road route was laid out to link San Antonio and El Paso, Texas, thus tying the region into the transportation and trade network that stretched from California to the Gulf of Mexico.

The economic development of the region was hampered until the 1880s because of the constant threat of hostile Indian attacks. In the early 1880s the threat was removed and the population began to grow as people discovered that the so-called "unhabited" land could provide a living. Ranching spread into the Rio Grande canyons area, although it was hampered by shortages of water, difficult access to markets, and livestock rustling. Artesian wells and pumping systems to draw water directly from the Rio Grande alleviated the water shortages somewhat. The completion of a railroad line to Galveston, Harrisburg, and San Antonio, Texas, in 1882 permitted transportation of west Texas cattle to distant markets, and vigorous law enforcement brought rustling somewhat under control by the early 20th century.

Quicksilver was discovered in the area in the early 20th century and later finds of silver and fluorspar were made, all of which attracted hundreds of miners and prospectors. Prior to World War I, there was a short-lived boom based on the harvesting of the guayule plant, from which a form of rubber could be extracted. This in turn was followed by widespread harvesting and processing of the candelilla plant which produces a highgrade wax.

D. The Region

1. Overview and Access

Access to the sparsely populated Big Bend/Rio Grande Wild and Scenic River area is limited. The nearest commercial airport is at Midland-Odessa, some 225 miles away. General aviation airports are located at Alpine and Del Rio; however, there is no reliable way of reaching the river by air. Access to and circulation within the region is primarily by private automobile. Amtrak provides rail passenger service

to Alpine, and only a small number of visitors travel to the region by rail.

2. Socioeconomic Setting

The 1970 census indicated that approximately 232,000 people lived within 150 miles of Rio Grande Wild and Scenic River, and approximately 1.5 million people were within 250 miles of the river (Bureau of Outdoor Recreation 1975). In the immediate vicinity of Rio Grande, Brewster County had a 1975 population of 7,867, and Terrell County had a 1975 population of approximately 31,943 (Bureau of the Census 1978). The 1980 populations of local communities were approximately 10,700 in Fort Stockton, 2,800 in Marfa, 6,500 in Alpine, 800 in Marathon, 1,500 in Sanderson, and 200 in Langtry.

The principal economic sectors of Brewster County are ranching (cattle, sheep, goats), tourism, education (Sul Ross University), retirement developments, and recreational use of private land. Approximately 5 percent of the employment opportunities in Brewster County are supplied by Big Bend National Park. Terrell County's economy is based almost entirely on ranching operations. Val Verde County has a wide economic base with tourism, military installations, ranching and poultry operations, and wholesale/retail operations as the strongest economic sectors (Bureau of the Census 1978).

3. Recreational Opportunities

Within an easy day's drive of the river there is a wide variety of recreational opportunities. Davis Mountains State Park, Fort Davis National Historic Site, and McDonald Observatory are northwest of the river in Jeff Davis County. Along US 90 in Val Verde County, travellers can visit the Judge Roy Bean Visitors Center, Seminole Canyon State Historical Site, and the Amistad National Recreation Area. There is also a number of state and county maintained roadside parks and picnic areas.

IV. THE PLAN

A. Boundary Establishment and Interest in Adjacent Lands

The enabling legislation for the Rio Grande Wild and Scenic River (PL 95-625) calls for "the establishment of a detailed boundary which shall include an average of not more than 160 acres per mile." It is the intention of the National Park Service (NPS) to seek no interest in land through such means as fee simple title, reserved use and occupancy, or easements. Rather, it is the intent of the Park Service to establish agreements with landowners to preserve existing natural and cultural values of the Wild and Scenic River and the adjacent land area, and to provide for the public use of the river.

Accordingly, the National Park Service will establish the boundary of the Rio Grande Wild and Scenic River to include only the river area from the United States/Mexico international boundary in the center of the river to the gradient boundary at the edge of the river on the United States side. The gradient boundary, as recognized by the state of Texas, is defined to be located midway between the lower level of the flowing water that just reaches the cut bank, and the higher level of it that just does not overtop the cut bank. The length of the Wild and Scenic River will extend 195.7 miles from the Chihuahua/Coahuila state line to the Terrell/ Val Verde county line.

The river bed of the section of the Wild and Scenic River downstream from Big Bend National Park is the property of the state of Texas. The National Park Service will discuss with Texas the possibility of donating the river bed to the Park Service.

The philosophy and approach expressed by this plan in terms of a lack of land acquisition and maintaining close-working relationships with adjacent landowners is entirely feasible and represents a departure from the standard approach on wild and scenic rivers. It places value on neighbor relations and on the ability of both the National Park Service and landowners on the river to work together in supporting use of the river.

If severe man-related damage threatens the land immediately adjacent and abutting the river corridor and thus impacts the natural environment of the Wild and Scenic River, the National Park Service will come under pressure from environmental and conservation groups to revise this plan and to take action which would prevent the damage.

The National Park Service feels that this can be avoided by developing close working relationships and by the use of common sense on everyone's part. Landowners in general have indicated, at public meetings, that their concern for the river corridor is the same as that of environmental groups.

B. Management Zoning

1. Natural Zone

The entire Wild and Scenic River will be managed by Big Bend National Park and will be zoned NATURAL. The management emphasis will be the conservation of natural resources and processes, and accommodations of uses that do not adversely affect these resources and processes.

Within this natural zone, the river is further classified as either WILD (. . . those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted . . . these represent vestiges of primitive America . . .) or SCENIC (. . . those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads . . .) in the following stretches:

WILD: Talley to Solis
Entrance to Boquillas Canyon to Exit
from Boquillas Canyon
Reagan Canyon to San Francisco Canyon

SCENIC: Remainder of Wild and Scenic River

Outside of Big Bend National Park no lands are to be acquired in relation to the Wild and Scenic River unless the state of Texas donates the river portion within the boundary. Therefore, there will be no other areas of management zoning under NPS jurisdiction. However, two areas will be designated as public access points to the river, pending agreements with the landowners. These areas will have minimum facilities to accommodate only river users. They are located on the Mexican side of the river adjacent to and west of the bridge at La Linda, and on the United States side of the river south of Dryden, in the general area known as Dryden Crossing.

2. Park Development Zone

Within Big Bend National Park, a PARK DEVELOPMENT zone is located at Persimmon Gap, where a visitor contact station now exists. This area will contain new employee housing and the existing visitor contact station that will serve both the Rio Grande Wild and Scenic River, and Big Bend National Park. Administration and maintenance for the Wild and Scenic River will be located in existing facilities in the PARK DEVELOPMENT zone at Panther Junction.



Traditional put-in/takeout site at La Linda as seen from the United States side of the Rio Grande



Traditional put-in/takeout site at La Linda as seen from the United States side of the Rio Grande



Traditional put-in/takeout site at La Linda on the Mexican side of the Rio Grande

C. Resources Management

1. General Philosophy

The National Park Service will manage the Wild and Scenic River according to the Management Objectives contained in this plan, enabling legislation (PL 90-542 and PL 95-625), the NPS organic act of 1916 (39 Stat. 535), NPS Management Policies, and other applicable laws and executive orders. Specifically, the river will be managed to preserve it in a natural freeflowing condition, to preserve and enhance the scenic and wilderness values which prompted its inclusion into the Wild and Scenic Rivers System, and to permit those uses that are compatible with the above intents for the benefit and enjoyment of present and future generation.

Although the Park Service will have no authority to manage the land areas adjacent to the river, landowners in both the United States and Mexico will be encouraged to comply with the above management objectives through agreements and a continuing program of dialogue between NPS officials and landowners. The portion of the Wild and Scenic River within Big Bend National Park will be managed according to the Big Bend General Management Plan and NPS policy.

2. Water Resources

a. Rio Grande

One of the primary reasons for including this section of the Rio Grande in the National Wild and Scenic Rivers System is to preserve it in a free-flowing condition, free of impoundments. However, the 1978 amendment to the Wild and Scenic Rivers Act, 1968, which included the Rio Grande in the Wild and Scenic Rivers System also stated that the Wild and Scenic Rivers Act would not conflict with the 1944 Water Treaty and the 1970 Boundary Treaty between the United States and Mexico.

Therefore, although every attempt will be made by the National Park Service to maintain this section of the Rio Grande free of impoundments, flood control works and structures for water diversion may be built by either the United States or Mexico--as provided for by the 1944 Water Treaty. Such works include levees, floodways and grade control structures and dams. However, at the present time, no such works are being considered for the area encompassing the Wild and Scenic River.

The Park Service will not be able control the water quality of the river, since most of the water comes from Mexican tributaries, and all tributaries on the United States side are in private or state ownership. However, it is hoped that pollution can be kept to a minimum through agreements with Mexico and U.S. landowners.

b. Springs

All springs should be considered to be contaminated. The Park Service will not attempt to monitor the water quality of any springs. River users will have to provide their own measures of water purification for potable use. They will be asked to camp or void themselves downstream from and no closer than 100 yards to spring waters.

3. Flora and Fauna

The National Park Service will have no authority to manage the land adjacent to the river or the flora and fauna thereon. However, the Park Service plans to establish agreements with landowners on both sides of the river so that information base studies may be conducted which will lead to a Natural Resources Management Plan (RMP). Historic uses of the area and natural processes will continue. Therefore, the RMP will address primarily the impact of river users on the environment. This, in turn, will lead to an assessment of the carrying capacity of the area for river floaters and will aid in determining how many commercial and noncommercial river trips should be allowed. It is hoped that landowners will cooperate with the Park Service in implementing the RMP and in taking whatever steps necessary to protect the resource from detrimental use or overuse.

Fishing will be permitted according to state regulations and authorities. River floaters will be informed of fishing practices such as "jugging" and will be advised not to interfere with unattended line and jugs.

No hunting is permitted within Big Bend National Park. Hunting occurs along the Wild and Scenic River on private lands according to state laws and regulations. No hunting will be permitted from the river surface by boat or other means.

4. Threatened and Endangered Species

The American peregrine falcon, Falco peregrinus anatum, is on the federal list of endangered species and is known to nest on high cliffs and crags along the Wild and Scenic River. No development is proposed in the areas of possible falcon habitat. However, river use occurs beneath known aeries, and camping and hiking may occur nearby. The presence of people on bluffs above a falcon aerie is known to be more disturbing to the birds than human activity on the river or river bank below the nest. A research program to assess the affect of visitor activities on the nesting habits and reproduction success of the falcon will be conducted by the Park Service to determine whether visitor activities should be restricted during the nesting season. The Park Service will depend upon the cooperation of the landowners during the implementation of a change in allowable visitor activities, should one be necessary as a result of the monitoring program. Such changes might include the cessation of motor boating, camping and hiking during the nesting season.

The bunched corycactus, Coryphantha ramillosa is on the federal list of threatened species and is known to occur on some of the land adjacent to the Wild and Scenic River. The Park Service has no authority to take any action to protect this cactus, which occurs on private and state lands. Furthermore, the taking or vandalism of plants on private lands is not prohibited by the Endangered Species Act of 1973. However, through devices such as river use permits, interpretive programs, leaflets and signs, the Park Service will strongly urge river floaters to treat all vegetation with respect.

5. Cultural Resources

As with natural resources on lands adjacent to the river, the National Park Service will have no authority to manage cultural resources. However, it is hoped that landowners on both sides of the river will allow the Park Service to conduct the necessary studies to produce a Cultural Resources Management Plan. Agencies and persons such as the NPS Southwest Cultural Resources Center, the State Historic Preservation Officer, the Texas Historical Commission, and cultural resource professionals in Mexico would be called upon to assist with the plan. Cultural resources such as archeological and historic sites that are found suitable for nomination to the National Register of Historic Places would be identified and made known to the landowner. If cultural resources are being vandalized, the Park Service would assist the landowner in protecting them. If a cultural site would be of interest to a visitor, it is hoped that the landowner would cooperate with the Park Service in interpreting the site and in allowing the river user to visit the site.

D. Interpretation and Visitor Use

1. Orientation and Interpretation

Information regarding the Wild and Scenic River will be available at the existing visitor information center at Persimmon Gap in Big Bend National Park. This information will cover topics such as a description of the river and its environments, hazards associated with river running, safety precautions, and river etiquette. Emphasis will be placed on respecting property rights, and warnings will be given against trespassing on both the United States and Mexican side of the river. Areas on which river floaters may camp and hike according to prior agreements between the Park Service and landowners will be shown on a river guide. Visitors will be requested to respect the rights of other river users, including floaters, motorboaters, and fishermen. Visitors will be asked not to disturb plants and animal life, and geological and cultural features, such as caves, archeological sites, and more recent ruins. Visitors will be instructed on ways of maintaining a clean and healthy wilderness environment, such as how to take care of fecal material, solid waste, and campfire ashes. Current conditions of the river, such as river height, will be available at the visitor center.

Other locations where information will be available, either by sign or by pamphlets, will be at the river access point at La Linda, and at the Big Bend National Park visitor information centers at Rio Grande Village and Panther Junction. Information will also be available by mail, and by telephone.

A river guide will be published that will graphically depict the river, mile by mile. It will show side canyons and the immediate contours of land adjacent to the river. It will show those areas where camping and hiking are allowed through agreements between the Park Service and private landowners. The guide will show the location of rapids and indicate their degrees of difficulty.

Interpretive themes associated with the Wild and Scenic River at Persimmon Gap and at Rio Grande Village will focus on four major topics: 1) the Rio Grande--its canyons, floodplains, and wilderness character; 2) the Chihuahuan Desert--its flora, fauna, geology, and uniqueness in the American landscape; 3) prehistoric Indian cultures; 4) historic cultures including Indian, Spanish, and American. These will be presented in an existing building at Persimmon Gap which will be remodeled for the purpose, and at an existing visitor contact station at Rio Grande Village. Information regarding Big Bend National Park will also be available at Persimmon Gap. The details of the interpretive program and how it will be presented will be described in an Interpretive Prospectus to be published at a later date.

2. Visitor Use

Historic uses of the river such as watering of livestock, fishing, and floating will continue. Rafts, canoes, kayaks, and motor boats will be allowed on the river.

The National Park Service will work with private landowners and Mexico to arrive at agreements regarding sites along the river that may be used by the public for camping, and also canyons, bluffs, and other areas that may be used for hiking. These sites will be identified on the river guide. The visitor will be strongly urged to limit his contact with land to only those sites, in order to avoid trespassing.

Agreements between the National Park Service and landowners in the areas of La Linda and Dryden Crossing will be sought so that these areas can continue to be the primary sites of put in and take out for float trips through the lower canyons (the section of the Rio Grande from Reagan Canyon to San Francisco Canyon). As in the past, river floaters should be prepared to pay a reasonable fee to private landowners for access to the river. This fee will help to defray costs of the minimal services and road maintenance. The Park Service will charge no fee for river use.

The established practice of private and commercial floaters spending a number of days to float through the lower canyons will continue. Present river use does not warrant limiting the number of parties that can float the Wild and Scenic River downstream of Big Bend

National Park, or requiring reservations for a put in date. However, river use will be monitored, and if it reaches the point where degradation of the environment or visitor experience occurs, then steps will be taken to set quotas on float trips. Appropriate consideration will be given to both private and commercial parties.

Present river use is somewhat self policing and should continue. For example, river parties, through common courtesy, should select campsites which will not interfere with other river parties. Through advance notice, river parties can schedule their departure dates so that they do not conflict with those of other parties.

3. Permits

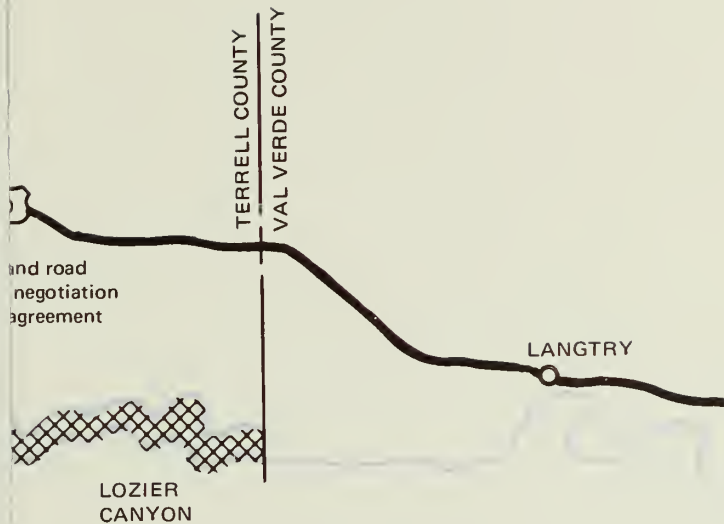
All river floaters who intend to stay overnight along the Wild and Scenic River will need a permit. The permit will be acquired at the Persimmon Gap Visitor Contact Station. At the time the permit is issued, an NPS official will examine the gear of the river floater to insure he or she has the required equipment such as life jackets, repair equipment, and first aid and signalling equipment. The official will also insure that the river floater receives the information described in the "Orientation and Interpretation" section. The official will record statistical information regarding the river party. This will be part of the monitoring program that will lead to a better understanding of how the river is being used. There will be no charge for the permit.

4. Visitor and Resource Protection

NPS ranger patrols will be scheduled in order to establish a visible official presence, primarily as a deterrent to unsafe operations and unnecessary or illegal resource impacts. Depending upon agreements with landowners, river patrols will also be used to clean up litter resulting from recreational use of the Rio Grande and its environments.

Unscheduled boat patrols may be made when search and rescue situations develop; however, due to the travel time required to float the lower canyons, overflights with fixed wing aircraft or helicopters will be the primary means of locating any overdue party, or delivering supplies or material to assist any party in distress. A Search and Rescue Plan will address this activity.

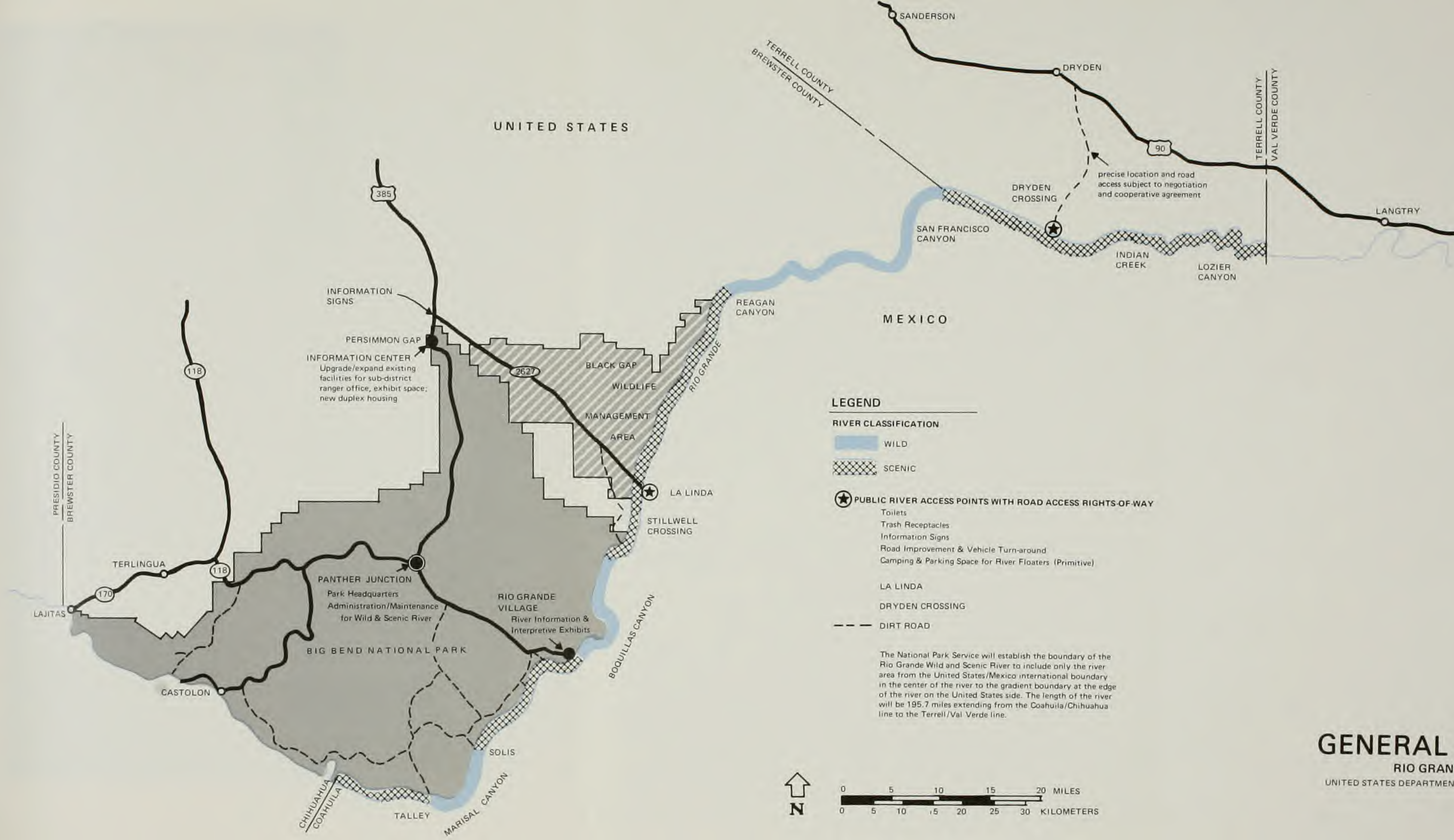
Visitors floating through the lower canyons will find it necessary to camp overnight. They will thus be congregating in areas subject to rapid rises in water level, or flash flooding. Flash flooding also occurs in side canyons. When they receive their permits, river floaters will be warned of the hazards of flash flooding and how to protect themselves. The Park Service will not permit floaters to begin a river trip if there is an immediate danger of flash flooding. If flash flooding is imminent, the Park Service will make every effort to warn those already on the river, and if necessary, perform rescue operations. Radio communications with any unit on the river within the lower canyons, via the radio repeater in Big Bend National Park is not



GENERAL DEVELOPMENT

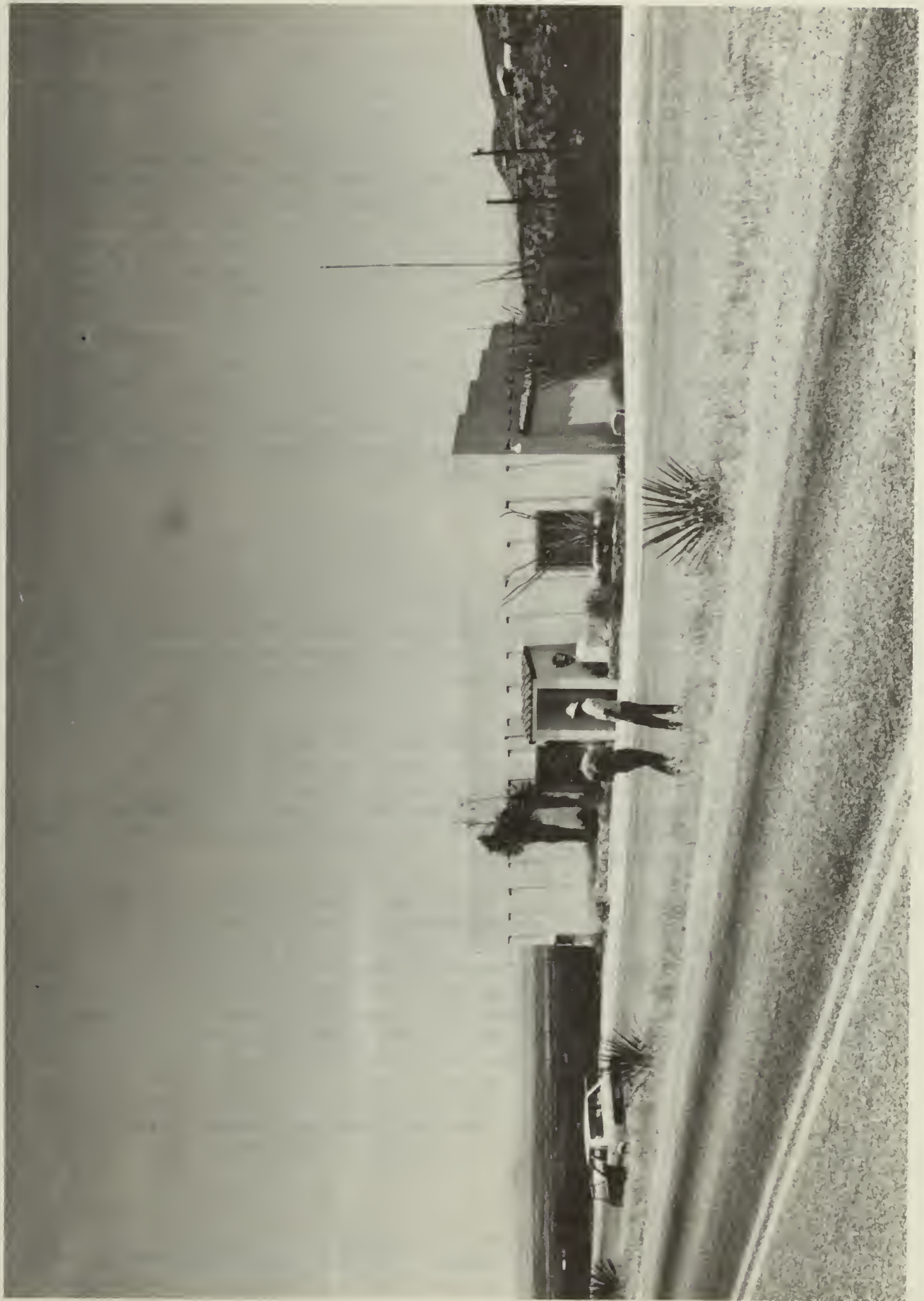
RIO GRANDE WILD AND SCENIC RIVER, TEXAS

UNITED STATES DEPARTMENT OF THE INTERIOR / NATIONAL PARK SERVICE



GENERAL DEVELOPMENT

RIO GRANDE WILD AND SCENIC RIVER, TEXAS
UNITED STATES DEPARTMENT OF THE INTERIOR / NATIONAL PARK SERVICE



Persimmon Gap Visitor Contact Station

possible. However, direct radio contact can be made with river patrols from aircraft overhead.

The achievement of safe, undamaging, and legal use of the riverway will be sought primarily by educational means. Law enforcement on the Wild and Scenic River within Big Bend National Park will be by application of federal regulations. On the Wild and Scenic River downstream from the park, law enforcement officials from the state and local governments will enforce state law, including laws regulating hunting and fishing and the Texas Water Safety Act, and NPS employees will enforce federal misdemeanor regulations on the river itself. Although the problem of trespass onto private lands by recreational river users can be mitigated by the National Park Service by educational means, enforcement of trespass laws rests with state and local officials. In any contact with river runners, NPS employees will stress that the riverbank land above the "gradient of flowing water" and the side canyons are open to public in only those areas where there are agreements between the National Park Service and landowners.

E. General Development

1. The Rio Grande

Development on the Wild and Scenic River outside of Big Bend National Park will occur at only two places--access points in the vicinity of La Linda and Dryden Crossing. The preferred access point is at La Linda, Coahuila, Mexico, just upstream from the highway bridge. The preferred access point at Dryden Crossing is on the Harrison property near Javalina Canyon. Both sites are currently used by river floaters--La Linda as take out point for float trips through Boquillas Canyon and as put in point for float trips through the lower canyons, and Dryden Crossing as take out point for the latter. NPS-sanctioned public use of these sites will depend upon agreements between the Park Service and the landowners.

Development at La Linda will include minimal toilet facilities such as a chemical toilet, trash receptacles, and an informational sign. The existing access road will need to be improved by surface grading, and a turnaround will be constructed. There is ample space for raft rigging and for primitive camping for river runners only. Through an agreement with the Dupont Company it is hoped that they will continue to allow river floaters to park vehicles on their parking lot on the U.S. side of the river, adjacent to the highway.

Development at Dryden Crossing will include minimal toilet facilities and trash receptacles. Periodic road maintenance over private land may also be required.

2. Persimmon Gap

Development at Persimmon Gap will consist of building new employee housing and refurnishing the existing visitor contact station.

Two duplexes with road access and parking will be built, and the existing house trailer removed. Water and sewage disposal systems will be provided. The existing visitor contact station will be remodelled to include storage space, a ranger station, and visitor contact station with visitor information and interpretive facilities. It will serve visitors to both the Wild and Scenic River and Big Bend National Park. Existing electric power will be used. The existing portable water tank will be replaced by a permanent water supply from a new well to be dug as near as possible to the housing site. Directional signing will be placed at the intersection of Rt. 2627 and U.S. 385.

3. Rio Grande Village

Interpretive and information displays regarding the Wild and Scenic River will be located at Rio Grande Village. The format of these displays will be determined in the Interpretive Prospectus, and may take the form of signs and audio-visual presentation.

4. Panther Junction

No new development at Panther Junction will be attributable to the Wild and Scenic River. Personnel permanently assigned to the Wild and Scenic River will use existing housing. Administrative and maintenance services will be provided by personnel on the Big Bend National Park staff.

5. Accessibility for Disabled Visitors

Visitors with a variety of disabilities will be able to use the Wild and Scenic River. The visitor contact station and the housing at Persimmon Gap will be designed to accomodate disabled visitors and residents.

6. Energy Saving Considerations

Minimum development and the absence of utilities on the Wild and Scenic River will save energy and costs. Siting of the new housing at Persimmon Gap can take advantage of local topography for protection from winds during the winter months and the sun for warmth. Solar heating should be considered for the new construction and refurnishing of the visitor contact station at Persimmon Gap.

F. Costs and Staffing Requirements

The Rio Grande Wild and Scenic River will be managed and operated by the staff of Big Bend National Park. The following personnel costs are based on a combination of the new personnel needed and the time to be spent by existing Big Bend National Park personnel on operation and management of the Wild and Scenic River.

The major development cost will be incurred for supplying water to Persimmon Gap (\$283,000). Cost estimates are based on the need for a 300-foot well whose location will be dependent on the availability of water.

1. Initial Costs

a. Development		\$720,000
(1) Persimmon Gap:		
New employee housing, includes roads, water and utilities	\$640,000	
(2) Reconstruct boat ramp at Rio Grande Village	\$ 50,000	
*(3) Rehabilitate river access at La Linda and Dryden Crossing	\$ 30,000	
b. Exhibits and Signs		\$ 15,000
c. Vehicles and Transport Trailer		<u>\$ 44,000</u>
Total Initial Cost:		\$779,000

Note: The above figures are based on net construction costs, June, 1981.

*These costs will be incurred on non-federally owned property. They are not major development costs but are costs for rehabilitation of an existing river access point.

2. Annual Operating Costs

a. Personnel		\$200,500
(1) Administration and Management		
1.2 man-years	\$ 29,000	
(2) Interpretation: 5.25 man-years	\$ 66,700	
(3) Resource Management and Visitor Protection: 2.9 man-years	\$ 54,000	
(4) Maintenance: 2.6 man-years	\$ 50,800	
b. Equipment and Supplies		\$ 32,000
c. Vehicle Support		\$ 20,000
d. Radio Support		\$ 3,500
e. Rescue Services		\$ 25,000
f. Contractual Maintenance Services		\$ 40,000
g. Utilities, Persimmon Gap & Rio Grande Village		\$ 4,500
h. Travel		<u>\$ 1,500</u>
Total Annual Operating Cost:		\$327,000

3. New Personnel Ceilings Required

Permanent Full Time

GS-5 Park Technicians (Interpretation)	2.0 MY
GS-5 Park Technicians (Boatmen)	1.0 MY
GS-9 Sub-District Ranger	1.0 MY
WG-7 Maintenance Mechanic	<u>1.0 MY</u>
	5.0 MY

Temporary

GS-4 Park Technician (Interpretation)	2.5 MY
GS-5 Clerk	.5 MY
GS-4 Park Technician (Resources Mgmt.)	1.0 MY
WG-4 Motor Vehicle Operator	.5 MY
WG-3 Laborer	<u>.5 MY</u>
	5.0 MY

V. APPENDICES

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Dave Griese, Sub-District Ranger, Big Bend National Park
John King, Administrative Officer, Big Bend National Park

C. Legislation



Public Law 90-542
90th Congress, S. 119
October 2, 1968

An Act

To provide for a National Wild and Scenic Rivers System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Wild and Scenic Rivers Act".

Wild and Scenic
Rivers Act.

(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.

(c) The purpose of this Act is to implement this policy by instituting a national wild and scenic rivers system, by designating the initial components of that system, and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time.

Sec. 2. (a) The national wild and scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress, or (ii) that are designated as wild, scenic or recreational rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as wild, scenic or recreational rivers by an agency or political subdivision of the State or States concerned without expense to the United States, that are found by the Secretary of the Interior, upon application of the Governor of the State or the Governors of the States concerned, or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this Act and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system, including, upon application of the Governor of the State concerned, the Allagash Wilderness Waterway, Maine, and that segment of the Wolf River, Wisconsin, which flows through Langlade County.

National wild
and scenic
rivers system.

82 STAT. 906
82 STAT. 907

(b) A wild, scenic or recreational river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in section 1, subsection (b) of this Act. Every wild, scenic or recreational river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national wild and scenic rivers system and, if included, shall be classified, designated, and administered as one of the following:

Eligibility
for inclusion.

(1) Wild river areas—Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

(2) Scenic river areas—Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

(3) Recreational river areas—Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some

National wild
and scenic
rivers.

development along their shorelines, and that may have undergone some impoundment or diversion in the past.

SEC. 3 (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(1) CLEARWATER, MIDDLE FORK, IDAHO.—The Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin; to be administered by the Secretary of Agriculture.

(2) ELEVEN POINT, MISSOURI.—The segment of the river extending downstream from Thomasville to State Highway 142; to be administered by the Secretary of Agriculture.

(3) FEATHER, CALIFORNIA.—The entire Middle Fork; to be administered by the Secretary of Agriculture.

(4) RIO GRANDE, NEW MEXICO.—The segment extending from the Colorado State line downstream to the State Highway 96 crossing, and the lower four miles of the Red River; to be administered by the Secretary of the Interior.

82 STAT. 907
82 STAT. 908.

(5) ROGUE, OREGON.—The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge; to be administered by agencies of the Departments of the Interior or Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President.

(6) SAINT CROIX, MINNESOTA AND WISCONSIN.—The segment between the dam near Taylors Falls, Minnesota, and the dam near Gordon, Wisconsin, and its tributary, the Namekagon, from Lake Namekagon downstream to its confluence with the Saint Croix; to be administered by the Secretary of the Interior: *Provided*, That except as may be required in connection with items (a) and (b) of this paragraph, no funds available to carry out the provisions of this Act may be expended for the acquisition or development of lands in connection with, or for administration under this Act of, that portion of the Saint Croix River between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, until sixty days after the date on which the Secretary has transmitted to the President of the Senate and Speaker of the House of Representatives a proposed cooperative agreement between the Northern States Power Company and the United States (a) whereby the company agrees to convey to the United States, without charge, appropriate interests in certain of its lands between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, including the company's right, title, and interest to approximately one hundred acres per mile, and (b) providing for the use and development of other lands and interests in land retained by the company between said points adjacent to the river in a manner which shall complement and not be inconsistent with the purposes for which the lands and interests in land donated by the company are administered under this Act. Said agreement may also include provision for State or local governmental participation as authorized under subsection (e) of section 10 of this Act.

(7) SALMON, MIDDLE FORK, IDAHO.—From its origin to its confluence with the main Salmon River; to be administered by the Secretary of Agriculture.

(8) WOLF, WISCONSIN.—From the Langlade-Menominee County line downstream to Keshena Falls; to be administered by the Secretary of the Interior.

(b) The agency charged with the administration of each component of the national wild and scenic rivers system designated by subsection

(a) of this section shall, within one year from the date of this Act, establish detailed boundaries therefor (which boundaries shall include an average of not more than three hundred and twenty acres per mile on both sides of the river); determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments; and prepare a plan for necessary developments in connection with its administration in accordance with such classification. Said boundaries, classification, and development plans shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

Publication in
Federal Register.

82 STAT. 908

82 STAT. 909

SEC. 4. (a) The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture or, in appropriate cases, the two Secretaries jointly shall study and from time to time submit to the President and the Congress proposals for the addition to the national wild and scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system; which, in his or their judgment, fall within one or more of the classes set out in section 2, subsection (b), of this Act; and which are proposed to be administered, wholly or partially, by an agency of the United States. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. 1962 et seq.).

Each proposal shall be accompanied by a report, including maps and illustrations, showing among other things the area included within the proposal; the characteristics which make the area a worthy addition to the system; the current status of landownership and use in the area; the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national wild and scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area be administered; the extent to which it is proposed that administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area as a component of the system. Each such report shall be printed as a Senate or House document.

Report, maps,
eto.

(b) Before submitting any such report to the President and the Congress, copies of the proposed report shall, unless it was prepared jointly by the Secretary of the Interior and the Secretary of Agriculture, be submitted by the Secretary of the Interior to the Secretary of Agriculture or by the Secretary of Agriculture to the Secretary of the Interior, as the case may be, and to the Secretary of the Army, the Chairman of the Federal Power Commission, the head of any other affected Federal department or agency and, unless the lands proposed to be included in the area are already owned by the United States or have already been authorized for acquisition by Act of Congress, the Governor of the State or States in which they are located or an officer designated by the Governor to receive the same. Any recommendations or comments on the proposal which the said officials furnish the Secretary or Secretaries who prepared the report within ninety days of the date on which the report is submitted to them, together with the Secretary's or Secretaries' comments thereon, shall be included with the transmittal to the President and the Congress. No river or portion of any river shall be added to the national wild and scenic rivers system subsequent to enactment of this Act until the close of the next full session of the State legislature, or legislatures in case more than one

Printing as
Senate or
House document.

State is involved, which begins following the submission of any recommendation to the President with respect to such addition as herein provided.

(c) Before approving or disapproving for inclusion in the national wild and scenic rivers system any river designated as a wild, scenic or recreational river by or pursuant to an act of a State legislature, the Secretary of the Interior shall submit the proposal to the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, and the head of any other affected Federal department or agency and shall evaluate and give due weight to any recommendations or comments which the said officials furnish him within ninety days of the date on which it is submitted to them. If he approves the proposed inclusion, he shall publish notice thereof in the Federal Register.

Publication in
Federal Register.

Potential
additions.
Designation.

SEC. 5. (a) The following rivers are hereby designated for potential addition to the national wild and scenic rivers system:

(1) Allegheny, Pennsylvania: The segment from its mouth to the town of East Brady, Pennsylvania.

(2) Bruneau, Idaho: The entire main stem.

(3) Buffalo, Tennessee: The entire river.

(4) Chattooga, North Carolina, South Carolina, and Georgia: The entire river.

(5) Clarion, Pennsylvania: The segment between Ridgway and its confluence with the Allegheny River.

(6) Delaware, Pennsylvania and New York: The segment from Hancock, New York, to Matamoras, Pennsylvania.

(7) Flathead, Montana: The North Fork from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir.

(8) Gasconade, Missouri: The entire river.

(9) Illinois, Oregon: The entire river.

(10) Little Beaver, Ohio: The segment of the North and Middle Forks of the Little Beaver River in Columbiana County from a point in the vicinity of Negly and Elkton, Ohio, downstream to a point in the vicinity of East Liverpool, Ohio.

(11) Little Miami, Ohio: That segment of the main stem of the river, exclusive of its tributaries, from a point at the Warren-Clermont County line at Loveland, Ohio, upstream to the sources of Little Miami including North Fork.

(12) Maumee, Ohio and Indiana: The main stem from Perrysburg, Ohio, to Fort Wayne, Indiana, exclusive of its tributaries in Ohio and inclusive of its tributaries in Indiana.

(13) Missouri, Montana: The segment between Fort Benton and Ryan Island.

(14) Moyle, Idaho: The segment from the Canadian border to its confluence with the Kootenai River.

(15) Obed, Tennessee: The entire river and its tributaries, Clear Creek and Daddys Creek.

(16) Penobscot, Maine: Its east and west branches.

(17) Pere Marquette, Michigan: The entire river.

(18) Pine Creek, Pennsylvania: The segment from Ansonia to Waterville.

(19) Priest, Idaho: The entire main stem.

(20) Rio Grande, Texas: The portion of the river between the west boundary of Hudspeth County and the east boundary of Terrell County on the United States side of the river: *Provided*, That before undertaking any study of this potential scenic river, the Secretary of the Interior shall determine, through the channels of appropriate

executive agencies, that Mexico has no objection to its being included among the studies authorized by this Act.

(21) Saint Croix, Minnesota and Wisconsin: The segment between the dam near Taylors Falls and its confluence with the Mississippi River.

(22) Saint Joe, Idaho: The entire main stem.

(23) Salmon, Idaho: The segment from the town of North Fork to its confluence with the Snake River.

(24) Skagit, Washington: The segment from the town of Mount Vernon to and including the mouth of Bacon Creek; the Cascade River between its mouth and the junction of its North and South Forks; the South Fork to the boundary of the Glacier Peak Wilderness Area; the Suitttle River from its mouth to the Glacier Peak Wilderness Area boundary at Milk Creek; the Sauk River from its mouth to its junction with Elliott Creek; the North Fork of the Sauk River from its junction with the South Fork of the Sauk to the Glacier Peak Wilderness Area boundary.

(25) Suwannee, Georgia and Florida: The entire river from its source in the Okefenokee Swamp in Georgia to the gulf and the outlying Ichetucknee Springs, Florida.

(26) Upper Iowa, Iowa: The entire river.

(27) Youghiogheny, Maryland and Pennsylvania: The segment from Oakland, Maryland, to the Youghiogheny Reservoir, and from the Youghiogheny Dam downstream to the town of Connellsville, Pennsylvania.

(b) The Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture shall proceed as expeditiously as possible to study each of the rivers named in subsection (a) of this section in order to determine whether it should be included in the national wild and scenic rivers system. Such studies shall be completed and reports made thereon to the President and the Congress, as provided in section 4 of this Act, within ten years from the date of this Act: *Provided, however*, That with respect to the Suwannee River, Georgia and Florida, and the Upper Iowa River, Iowa, such study shall be completed and reports made thereon to the President and the Congress, as provided in section 4 of this Act, within two years from the date of enactment of this Act. In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers with respect to which there is the greatest likelihood of developments which, if undertaken, would render them unsuitable for inclusion in the national wild and scenic rivers system.

(c) The study of any of said rivers shall be pursued in as close cooperation with appropriate agencies of the affected State and its political subdivisions as possible, shall be carried on jointly with such agencies if request for such joint study is made by the State, and shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the national wild and scenic rivers system.

(d) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic and recreational river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional wild, scenic and recreational river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

Land acquisition. SEC. 6. (a) The Secretary of the Interior and the Secretary of Agriculture are each authorized to acquire lands and interests in land within the authorized boundaries of any component of the national wild and scenic rivers system designated in section 3 of this Act, or hereafter designated for inclusion in the system by Act of Congress, which is administered by him, but he shall not acquire fee title to an average of more than 100 acres per mile on both sides of the river. Lands owned by a State may be acquired only by donation, and lands owned by an Indian tribe or a political subdivision of a State may not be acquired without the consent of the appropriate governing body thereof as long as the Indian tribe or political subdivision is following a plan for management and protection of the lands which the Secretary finds protects the land and assures its use for purposes consistent with this Act. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to the use of appropriations from other sources, be available to Federal departments and agencies for the acquisition of property for the purposes of this Act.

(b) If 50 per centum or more of the entire acreage within a federally administered wild, scenic or recreational river area is owned by the United States, by the State or States within which it lies, or by political subdivisions of those States, neither Secretary shall acquire fee title to any lands by condemnation under authority of this Act. Nothing contained in this section, however, shall preclude the use of condemnation when necessary to clear title or to acquire scenic easements or such other easements as are reasonably necessary to give the public access to the river and to permit its members to traverse the length of the area or of selected segments thereof.

(c) Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire lands by condemnation, for the purpose of including such lands in any national wild, scenic or recreational river area, if such lands are located within any incorporated city, village, or borough which has in force and applicable to such lands a duly adopted, valid zoning ordinance that conforms with the purposes of this Act. In order to carry out the provisions of this subsection the appropriate Secretary shall issue guidelines, specifying standards for local zoning ordinances, which are consistent with the purposes of this Act. The standards specified in such guidelines shall have the object of (A) prohibiting new commercial or industrial uses other than commercial or industrial uses which are consistent with the purposes of this Act, and (B) the protection of the bank lands by means of acreage, frontage, and setback requirements on development.

(d) The appropriate Secretary is authorized to accept title to non-Federal property within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress and, in exchange therefor, convey to the grantor any federally owned property which is under his jurisdiction within the State in which the component lies and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(e) The head of any Federal department or agency having administrative jurisdiction over any lands or interests in land within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress is authorized to transfer to the appropriate secretary jurisdic-

tion over such lands for administration in accordance with the provisions of this Act. Lands acquired by or transferred to the Secretary of Agriculture for the purposes of this Act within or adjacent to a national forest shall upon such acquisition or transfer become national forest lands.

(f) The appropriate Secretary is authorized to accept donations of lands and interests in land, funds, and other property for use in connection with his administration of the national wild and scenic rivers system.

(g) (1) Any owner or owners (hereinafter in this subsection referred to as "owner") of improved property on the date of its acquisition, may retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, or the death of either or both of them. The owner shall elect the term to be reserved. The appropriate Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(2) A right of use and occupancy retained pursuant to this subsection shall be subject to termination whenever the appropriate Secretary is given reasonable cause to find that such use and occupancy is being exercised in a manner which conflicts with the purposes of this Act. In the event of such a finding, the Secretary shall tender to the holder of that right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination. Such right of use or occupancy shall terminate by operation of law upon tender of the fair market price.

Right of use
and occupancy.

(3) The term "improved property", as used in this Act, means a detached, one-family dwelling (hereinafter referred to as "dwelling"), the construction of which was begun before January 1, 1967, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the appropriate Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

"Improved
property."

SEC. 7. (a) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting any river which is designated in section 3 of this Act as a component of the national wild and scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration, or request appropriations to begin

Water resources
projects.
Restrictions.

construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior or the Secretary of Agriculture, as the case may be, in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

49 Stat. 863.
16 USC 791a.

(b) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river which is listed in section 5, subsection (a), of this Act, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary responsible for its study or approval—

Publication
in Federal
Register.

(i) during the five-year period following enactment of this Act unless, prior to the expiration of said period, the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, on the basis of study, conclude that such river should not be included in the national wild and scenic rivers system and publish notice to that effect in the Federal Register, and

(ii) during such additional period thereafter as, in the case of any river which is recommended to the President and the Congress for inclusion in the national wild and scenic rivers system, is necessary for congressional consideration thereof or, in the case of any river recommended to the Secretary of the Interior for inclusion in the national wild and scenic rivers system under section 2(a) (ii) of this Act, is necessary for the Secretary's consideration thereof, which additional period, however, shall not exceed three years in the first case and one year in the second.

Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a potential wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the potential wild, scenic or recreational river area on the date of approval of this Act. No department or agency of the United States shall, during the periods hereinbefore specified, recommend authorization of any water resources project on any such river or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture in writing of its intention so to do at least sixty days in advance of doing so and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(c) The Federal Power Commission and all other Federal agencies shall, promptly upon enactment of this Act, inform the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, of any proceedings, studies, or other activities within their jurisdiction which are now in progress and which affect or may affect any of the rivers specified in section 5, subsection (a), of this Act. They shall likewise inform him of any such proceedings, studies, or other activities which are hereafter commenced or resumed before they are commenced or resumed.

(d) Nothing in this section with respect to the making of a loan or grant shall apply to grants made under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-5 et seq.).

SEC. 8. (a) All public lands within the authorized boundaries of any component of the national wild and scenic rivers system which is designated in section 3 of this Act or which is hereafter designated for inclusion in that system are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States.

(b) All public lands which constitute the bed or bank, or are within one-quarter mile of the bank, of any river which is listed in section 5, subsection (a), of this Act are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States for the periods specified in section 7, subsection (b), of this Act.

SEC. 9. (a) Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws within components of the national wild and scenic rivers system except that—

Mining and
mineral leas-
ing laws.

(i) all prospecting, mining operations, and other activities on mining claims which, in the case of a component of the system designated in section 3 of this Act, have not heretofore been perfected or which, in the case of a component hereafter designated pursuant to this Act or any other Act of Congress, are not perfected before its inclusion in the system and all mining operations and other activities under a mineral lease, license, or permit issued or renewed after inclusion of a component in the system shall be subject to such regulations as the Secretary of the Interior or, in the case of national forest lands, the Secretary of Agriculture may prescribe to effectuate the purposes of this Act;

(ii) subject to valid existing rights, the perfection of, or issuance of a patent to, any mining claim affecting lands within the system shall confer or convey a right or title only to the mineral deposits and such rights only to the use of the surface and the surface resources as are reasonably required to carrying on prospecting or mining operations and are consistent with such regulations as may be prescribed by the Secretary of the Interior or, in the case of national forest lands, by the Secretary of Agriculture; and

(iii) subject to valid existing rights, the minerals in Federal lands which are part of the system and constitute the bed or bank or are situated within one-quarter mile of the bank of any river designated a wild river under this Act or any subsequent Act are hereby withdrawn from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.

Regulations issued pursuant to paragraphs (i) and (ii) of this subsection shall, among other things, provide safeguards against pollution of the river involved and unnecessary impairment of the scenery within the component in question.

(b) The minerals in any Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank of any river which is listed in section 5, subsection (a) of this Act are hereby withdrawn from all forms of appropriation under the mining laws during the periods specified in section 7, subsection (b) of this Act. Nothing contained in this subsection shall be construed to forbid prospecting or the issuance or leases, licenses, and permits under the mineral leasing laws subject to such conditions as the Secretary of the Interior and, in the case of national forest lands, the Secretary of Agriculture find appropriate to safeguard the area in the event it is subsequently included in the system.

82 STAT. 916

Administration.

SEC. 10. (a) Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In each administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.

16 USC 1131
note.

(b) Any portion of a component of the national wild and scenic rivers system that is within the national wilderness preservation system, as established by or pursuant to the Act of September 3, 1964 (78 Stat. 890; 16 U.S.C., ch. 23), shall be subject to the provisions of both the Wilderness Act and this Act with respect to preservation of such river and its immediate environment, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

(c) Any component of the national wild and scenic rivers system that is administered by the Secretary of the Interior through the National Park Service shall become a part of the national park system, and any such component that is administered by the Secretary through the Fish and Wildlife Service shall become a part of the national wildlife refuge system. The lands involved shall be subject to the provisions of this Act and the Acts under which the national park system or national wildlife system, as the case may be, is administered, and in case of conflict between the provisions of these Acts, the more restrictive provisions shall apply. The Secretary of the Interior, in his administration of any component of the national wild and scenic rivers system, may utilize such general statutory authorities relating to areas of the national park system and such general statutory authorities otherwise available to him for recreation and preservation purposes and for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

Cooperative
agreements with
State or local
governments.

(d) The Secretary of Agriculture, in his administration of any component of the national wild and scenic rivers system area, may utilize the general statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this Act.

(e) The Federal agency charged with the administration of any component of the national wild and scenic rivers system may enter into written cooperative agreements with the Governor of a State, the head of any State agency, or the appropriate official of a political subdivision of a State for State or local governmental participation in the administration of the component. The States and their political subdivisions shall be encouraged to cooperate in the planning and administration of components of the system which include or adjoin State- or county-owned lands.

Assistance in
financing State
and local proj-
ects.

16 USC 4601-4
note.

16 USC 4601-
4601-3.

SEC. 11. (a) The Secretary of the Interior shall encourage and assist the States to consider, in formulating and carrying out their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), needs and opportunities for establishing State and local wild, scenic and recreational river areas. He shall also, in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), provide technical assistance and advice to, and cooperate with, States, political subdivisions, and private interests, including nonprofit organizations, with respect to establishing such wild, scenic and recreational river areas.

(b) The Secretaries of Agriculture and of Health, Education, and Welfare shall likewise, in accordance with the authority vested in them, assist, advise, and cooperate with State and local agencies and private interests with respect to establishing such wild, scenic and recreational river areas.

Sec. 12. (a) The Secretary of the Interior, the Secretary of Agriculture, and heads of other Federal agencies shall review administrative and management policies, regulations, contracts, and plans affecting lands under their respective jurisdictions which include, border upon, or are adjacent to the rivers listed in subsection (a) of section 5 of this Act in order to determine what actions should be taken to protect such rivers during the period they are being considered for potential addition to the national wild and scenic rivers system. Particular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this Act.

Administration
and management
policies.
Review.

(b) Nothing in this section shall be construed to abrogate any existing rights, privileges, or contracts affecting Federal lands held by any private party without the consent of said party.

(c) The head of any agency administering a component of the national wild and scenic rivers system shall cooperate with the Secretary of the Interior and with the appropriate State water pollution control agencies for the purpose of eliminating or diminishing the pollution of waters of the river.

Sec. 13. (a) Nothing in this Act shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife. Hunting and fishing shall be permitted on lands and waters administered as parts of the system under applicable State and Federal laws and regulations unless, in the case of hunting, those lands or waters are within a national park or monument. The administering Secretary may, however, designate zones where, and establish periods when, no hunting is permitted for reasons of public safety, administration, or public use and enjoyment and shall issue appropriate regulations after consultation with the wildlife agency of the State or States affected.

Fish and wild-
life.
Jurisdiction
under State
and Federal
laws.

(b) The jurisdiction of the States and the United States over waters of any stream included in a national wild, scenic or recreational river area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of a water right which is vested under either State or Federal law at the time such river is included in the national wild and scenic rivers system shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

Compensation
for water
rights.

(c) Designation of any stream or portion thereof as a national wild, scenic or recreational river area shall not be construed as a reservation of the waters of such streams for purposes other than those specified in this Act, or in quantities greater than necessary to accomplish these purposes.

(d) The jurisdiction of the States over waters of any stream included in a national wild, scenic or recreational river area shall be unaffected by this Act to the extent that such jurisdiction may be exercised without impairing the purposes of this Act or its administration.

82 STAT. 917

(e) Nothing contained in this Act shall be construed to alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by any States which contain any portion of the national wild and scenic rivers system.

82 STAT. 918

(f) Nothing in this Act shall affect existing rights of any State, including the right of access, with respect to the beds of navigable streams, tributaries, or rivers (or segments thereof) located in a national wild, scenic or recreational river area.

Easements and
rights-of-way.

(g) The Secretary of the Interior or the Secretary of Agriculture, as the case may be, may grant easements and rights-of-way upon, over, under, across, or through any component of the national wild and scenic rivers system in accordance with the laws applicable to the national park system and the national forest system, respectively: *Provided*, That any conditions precedent to granting such easements and rights-of-way shall be related to the policy and purpose of this Act.

Claim and allow-
ance as chari-
table contri-
bution or gift.
76 Stat. 1034.
68A Stat. 410.

SEC. 14. The claim and allowance of the value of an easement as a charitable contribution under section 170 of title 26, United States Code, or as a gift under section 2522 of said title shall constitute an agreement by the donor on behalf of himself, his heirs, and assigns that, if the terms of the instrument creating the easement are violated, the donee or the United States may acquire the servient estate at its fair market value as of the time the easement was donated minus the value of the easement claimed and allowed as a charitable contribution or gift.

Definitions.

SEC. 15. As used in this Act, the term—

(a) "River" means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes.

(b) "Free-flowing", as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national wild and scenic rivers system shall not automatically bar its consideration for such inclusion: *Provided*, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national wild and scenic rivers system.

(c) "Scenic easement" means the right to control the use of land (including the air space above such land) for the purpose of protecting the scenic view from the river, but such control shall not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement.

Appropriations.

SEC. 16. There are hereby authorized to be appropriated such sums as may be necessary, but not more than \$17,000,000, for the acquisition of lands and interests in land under the provisions of this Act.

Approved October 2, 1968.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 1623 accompanying H. R. 18260 (Comm. on Interior & Insular Affairs) and No. 1917 (Comm. of Conference).

SENATE REPORT No. 491 (Comm. on Interior & Insular Affairs).

CONGRESSIONAL RECORD:

Vol. 113 (1967): Aug. 8, considered and passed Senate.

Vol. 114 (1968): July 15, Sept. 12, considered and passed

House, amended, in lieu of H. R. 18260.

Sept. 25, House agreed to conference report.

Sept. 26, Senate agreed to conference report.

The National Parks and Recreation Act

Public Law 95-625

November 10, 1978

provides for the addition of the Rio Grande segment

ADDITION OF RIO GRANDE SEGMENT

SEC. 702. Section 3(a) of the Wild and Scenic Rivers Act is amended by adding the following new paragraph at the end thereof:

"(17) RIO GRANDE, TEXAS.—The segment on the United States side of the river from river mile 842.3 above Mariscal Canyon downstream to river mile 651.1 at the Terrell-Val Verde County line; to be administered by the Secretary of the Interior. The Secretary shall, within two years after the date of enactment of this paragraph, take such action with respect to the segment referred to in this paragraph as is provided for under subsection (b). The action required by such subsection (b) shall be undertaken by the Secretary, after consultation with the United States Commissioner, International Boundary and Water Commission, United States and Mexico, and appropriate officials of the State of Texas and its political subdivisions. The development plan required by subsection (b) shall be construed to be a general management plan only for the United States side of the river and such plan shall include, but not be limited to, the establishment of a detailed boundary which shall include an average of not more than 160 acres per mile. Nothing in this Act shall be construed to be in conflict with—

"(A) the commitments or agreements of the United States made by or in pursuance of the treaty between the United States and Mexico regarding the utilization of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington, February 1944 (59 Stat. 1219), or

"(B) the treaty between the United States and Mexico regarding maintenance of the Rio Grande and Colorado River as the international boundary between the United States and Mexico, signed November 23, 1970.

For purposes of carrying out the provisions of this Act with respect to the river designated by this paragraph, there are authorized to be appropriated such sums as may be necessary, but not more than \$1,650,000 for the acquisition of lands and interests in lands and not more than \$1,800,000 for development."

As the nation's principal conservation agency, the Department of the Interior has basic responsibilities to protect and conserve our land and water, energy and minerals, fish and wildlife, parks and recreation areas, and to ensure the wise use of all these resources. The department also has major responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration.

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